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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Office of Regional Counsel  
Dean Jerrehian  
Direct Dial (215) 597-3230

March 30, 1993

Norman Cutler, Esquire  
Litigation and Regulatory Section  
Law Department  
NCR Corporation  
1700 South Patterson Boulevard  
Dayton, Ohio 45479

Re: NCR Corporation (Millsboro Plant) Superfund Site

Dear Mr. Cutler:

Enclosed is a copy of the Modification to the Administrative Order for Remedial Design and Remedial Action which was issued by the Regional Administrator on March 25, 1993. This modifies the initial Administrative Order in accordance with recent correspondence between EPA and NCR Corporation.

In addition, this is to inform you that this matter has been transferred from Lourdes Del Carmen Rodriguez to me. Please address further correspondence to my attention.

Sincerely yours

  
Dean Jerrehian

cc: Deborah Rossi, EPA  
Tod W. Read, Gilberg & Kurent  
William Brewer, NCR Corp.  
David W. Richardson, First Omni Bank  
Deborah E. Jennings, Piper & Marbury  
Stephen Williams, DNREC

AR200012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

IN THE MATTER OF:

NCR CORPORATION (MILLSBORO PLANT)  
SUPERFUND SITE; MILLSBORO,  
SUSSEX COUNTY, DELAWARE

NCR CORPORATION AND FIRST OMNI  
BANK, NATIONAL ASSOCIATION

Respondents

Proceeding Under Section 106 of  
the Comprehensive Environmental  
Response, Compensation, and  
Liability Act of 1980, 42 U.S.C.  
§ 9606, as amended by the Super-  
fund Amendments and Reauthoriza-  
tion Act of 1986

Docket No. III-92-14-DC

MODIFICATION TO THE ADMINISTRATIVE ORDER FOR  
REMEDIAL DESIGN AND REMEDIAL ACTION

Having determined the necessity for implementation of remedial activities at the NCR Corporation (Millsboro Plant) Superfund Site in Millsboro, Sussex County, Delaware, the United States Environmental Protection Agency ("EPA") issued an Administrative Order, EPA Docket No. III-92-14-DC, to the above captioned parties on March 31, 1992 (the "Administrative Order"). Pursuant to Section 106(a) of the the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9606(a), EPA hereby modifies the Administrative Order as follows:

I. Modifications

1. Section III.A.1 of the Administrative Order is MODIFIED; the following sentence replaces the second and third sentences of

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**Section III,A.1:**

The Site consists of three separate parcels: the 58 acre former NCR Corporation property which is bounded by Conrail tracks to the east, and two agricultural parcels of land that comprise approximately 80 acres, owned separately by NCR Corporation (approximately 50 acres) and J. Reese White (approximately 30 acres).

2. Section III.B.1 of the Administrative Order is MODIFIED; the following sentence replaces the first sentence of Section III.B.1:

The Site currently consists of three parcels, the former NCR Corporation property (owned by First Omni since 1981), and the two agricultural parcels, owned separately by NCR Corporation (approximately 50 acres) and J. Reese White (approximately 30 acres).

3. Section III.B.4 of the Administrative Order is MODIFIED; the following sentence replaces the first sentence of Section III.B.4:

The approximately 80 acres of agricultural land which lie east of the Conrail tracks are owned separately by NCR Corporation (approximately 50 acres) and J. Reese White (approximately 30 acres).

4. Section VI.B.1 of the Administrative Order is MODIFIED; the following sentence replaces the first sentence of Section VI.B.1:

Within fifteen (15) days after the effective date of this Order, the Respondents shall record a certified copy of this Order with the Registry of Deeds, or other office where land ownership and transfer records are filed or recorded, in such manner as shall be effective to bring this Order to the attention of any person examining or researching the state and/or quality of the title to the real property owned by Respondents constituting the Site or searching for any encumbrances, covenants, easements, liens, restrictions, or other limitations relating to said property.

5. Section VI.B.2 of the Administrative Order is MODIFIED; the following sentence replaces the first sentence of Section VI.B.2:

Respondents shall, at least thirty (30) days prior to the conveyance of any interest in any property owned by Respondents that comprises part of the Site, give written notice of this Order to the grantee and written notice to EPA and the State of the proposed conveyance, including the name and address of the grantee, and the date on which notice of the Order was given to the grantee.

6. Section XIII.D of the Administrative Order is MODIFIED; the following sentence replaces the prior Section XIII.D:

Upon receipt of a notice requiring Respondents to modify all or any portion of any document submitted hereunder, Respondents shall, within thirty (30) days or such other time as may be specified by EPA in its notice of disapproval, submit a modified

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document which is responsive to all directions contained in EPA's notice of disapproval.


## II. Limitation of Modification

Except as otherwise stated herein, nothing in this modification shall alter or otherwise affect any term or condition contained in the Administrative Order.

## III. Effective Date

This modification is effective on the date it is signed by the EPA Region III Regional Administrator.

IT IS SO ORDERED.

  
Stanley L. Laskowski  
Acting Regional Administrator  
EPA Region III

8-25-83  
Date

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